

**Regular Meeting**  
**Monday, November 02, 2015**  
**Bloomington Civic Plaza**  
**1800 West Old Shakopee Road**  
**Bloomington, Minnesota 55431-3027**

- 1      **CALL TO ORDER- 7 PM**      Mayor Winstead called the meeting to order at 7:00 p.m.
- Present:      Councilmembers C. Abrams, J. Baloga, T. Busse, A. Carlson,  
D. Lowman, and J. Oleson.
- 2      **INTRODUCTORY**
- 2.1      **FLAG PRESENTATION**      Mayor Winstead led the audience in the pledge of allegiance to the flag.
- 3      **CONSENT BUSINESS**
- 3.1      **Variance Decatur Homeowners Association 9713 Cavell Avenue**      Requested Action: Adopt a resolution approving a variance to locate an 8 foot by 10 foot accessory structure between the principal structure and the street at 9713 Cavell Avenue, Case 10967A-15, for Joseph and Catherine Coggin (owner) and Decatur Homeowners Association (user), subject to the conditions listed in the staff report.
- Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt a resolution approving a variance for Joseph and Catherine Coggin (owner) and Decatur Homeowners Association (user) at 9713 Cavell Avenue South as described in the agenda item. (R-2015-120)
- 3.2      **Temporary Assistance Needy Families Agreement with MN Dept. of Health Approve**      Requested Action: Approve Temporary Assistance for Needy Families (TANF) Agreement with the Minnesota Department of Health (MDH).
- This item was held by Oleson who commented TANF is a very proactive organization and one in which the City gets a good return on its investment.
- Motion was made by Oleson, seconded by Baloga, and all voting aye, to approve the TANF Agreement with MDH as described in the agenda item.
- 3.3      **JustFOIA Open Records Tracking System**      Requested Action: Approve the purchase of JustFOIA open records request tracking solution in the amount of \$9,000 for 2015 and \$7,000 ongoing annual maintenance fees.
- This item was held by Carlson who questioned how the handling of data privacy factored into the selection process for this software.
- Verbrugge explained due to the increased number of data requests, this system is being purchased to help staff sift through the collected data easier. He said data privacy is dependent on staff properly flagging items that have private data. This system is solely for the purpose of managing the City's records.
- Carlson asked about the privacy levels provided by the different companies based on the Cloud systems.

Verbrugge said privacy issues with the Cloud are better than what you'd find elsewhere.

Motion was made by Carlson, seconded by Oleson, and all voting aye, to approve the purchase of JustFOIA open records request tracking solution in the amount of \$9,000 for 2015 and \$7,000 in ongoing annual maintenance fees as described in the item.

**3.4 Authorize Lease Extension with T-Mobile NW Water Tower**

Requested Action: Authorize amendment to extend lease with T-Mobile.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to authorize an extension of T-Mobile's lease for the space on the City's Northwest Water Tower to 2040 as described in the agenda item.

**3.5 Operation and Maintenance Agreement with Lower Minnesota River Watershed District Approve**

Requested Action: Approve the Operation and Maintenance Agreement with the Lower Minnesota River Watershed District for the 2014-904 Long Meadow Lake Outfall Project.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the Operation and Maintenance Agreement with the Lower Minnesota River Watershed District for the 2014-904 Long Meadow Lake Outfall Project as described in the agenda item.

**3.6 Blue Line Study Cost Share Agreement**

Requested Action: Approve and authorize the Mayor and City Manager to sign the Blue Line Traffic and Transit Signal System Study Cooperative Agreement with the Metropolitan Council.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the Blue Line Traffic and Transit Signal System Study Cooperative Agreement with the Metropolitan Council as described in the agenda item.

**3.7 Adopt Resolution Accept Petition and Approve Assessment Roll 2015-4 NLD Sanitary Sewer**

Requested Action: Adopt a resolution declaring adequacy of a petition for inclusion in assessment district & waiver of objection for the delayed assessment of City Project 2010-501 Normandale Lake District Sanitary Sewer Reliever Pipe Improvement Project and approving Assessment Roll 2015-4.

Motion was made by Baloga, seconded by Abrams, and all voting aye, to adopt a resolution accepting petition and approving Assessment Roll 2015-4 for the Normandale Lake District Sanitary Sewer Reliever Pipe Improvement Project as described in the item. (R-2015-121)

**3.8 Meeting Minutes City Council-Approve**

Requested Action: Approve the following 2015 City Council Meeting minutes as presented: February 6 (Joint Council/Legislative Delegation), July 13 (Study), and October 19 (Regular).

Motion was made by Baloga, seconded by Abrams, and all voting aye, to approve the February 6 (Joint Council/Legislative Delegation), July 13 (Study), and October 19, 2015 (Regular) meeting minutes as presented.

**4 PUBLIC COMMENT PERIOD**

**4.1 Response to Prior Meeting's Public Comments**

City Manager Jamie Verbrugge stated there were no new issues presented at the last City Council meeting to report on.

**4.2 Public Comment**

Mayor Winstead opened the public comment period for anyone wishing to address the Council on matters not on tonight's agenda.

Speaker #1: Sally Ness, 8127 Oakland Avenue South  
She commented on the Dar Al Farooq (DAF) property at 8201 Park Avenue South; in particular about the practice area and the berm. She said per the Joint Use Agreement (JUA) between DAF and the City, DAF is required to mow the practice area and the berm. She said Environmental Health (EH) had issued DAF a citation for not mowing the berm. She showed photos of DAF mowing the practice area after the JUA was signed. Those photos showed piles and large clumps of grass left behind by DAF's mowers and the grass growing taller on the berm. She said it was after this the City was mowing this area. She previously asked whether the City charged DAF for that mowing. She said the City said no because it's responsible for mowing the berm. She said it was after that the City discovered concrete in the berm. She disagreed with staff's previous statement that it took 10 minutes for staff to remove the concrete. She said it took three Park employees just under three hours to remove it. Again, she questioned whether DAF paid for that removal. She said it's illegal for anyone to dump debris in the city on residential property. She mentioned there is also tar and asphalt in that berm. She showed photos of the junk on DAF's property and said City Park employees helped clean up that area. With regard to the holding pond, she said it needs to be cleaned up and maintained. She said there's an old soccer post sitting by the fence marked "free", which should not be there. She said the City should have someone investigate to see what else is buried in the berm. She questioned why parking was constructed in front of a place of assembly when that's a violation of City Code. She said had it been there before this owner, it would have been grandfathered in and could have remained.

Winstead said much of what Ness commented on has been brought to the City Council before but the issues concerning the holding pond and the trash are new. He asked if Dar Al Farooq has been billed for the mowing the City has performed. He requested the City Manager respond to Ness's new issues at the next meeting.

Speaker #2: Kristi Nordgren, 1701 East 78<sup>th</sup> Street  
As someone in the military who has been deployed twice out of Bloomington, she said she informed her garbage hauler Waste Management of her deployment and they didn't charge her for the entire 22 months she was deployed. She said that was a huge help to her and would be to other soldiers that are deployed out of Bloomington. She questioned whether or not her next hauler under the organized collection system would do the same for her. She requested the City look into how that particular situation will be handled by the haulers under the organized system.

Winstead confirmed organized trash collection is scheduled to be implemented next April. He agreed it's something City staff should look into with Waste Management and the other haulers to see what can be done to accommodate deployed military under the organized system. He said hopefully it can be worked into the agreement.

**5 LICENSING DIVISION:  
PUBLIC HEARINGS****6 DEVELOPMENT  
BUSINESS: PUBLIC  
HEARINGS****6.1 Keith Freemark 10801  
Xerxes Ave. S. Fence  
Variances**

Requested Action: Adopt a resolution approving variances at 10801 Xerxes Avenue, for Keith Freemark per Council's direction at the October 19, 2015, Regular Council meeting.

Motion was made by Baloga, seconded by Lowman, to adopt a resolution approving variances to increase the maximum fence height from four to six feet and maximum fence opacity from 50 to 100 percent for a fence in a yard abutting a street at 10801 Xerxes Avenue South, subject to conditions including Condition #3 that states, "Prior to January 1, 2016, the applicant must execute an encroachment agreement for the portion of the fence that encroaches into the public right-of-way of West 108<sup>th</sup> Street." Motion passed 5-2 (Busse and Carlson opposing). (R-2015-122)

No public testimony was received.

**7 TRANSPORTATION &  
UTILITY  
IMPROVEMENTS:  
PUBLIC HEARINGS**

None.

**8 ORDINANCES: PUBLIC  
HEARINGS****8.1 Ordinance Amending  
City Code related to  
Water Resources**

Requested Action: Adopt an ordinance making multiple amendments to Chapters 1, 11, 12, 15, 16, 19, and 21 of the City's Storm Utility, stormwater, and water resource regulations and codes and adopt a resolution directing summary publication of the ordinance.

Water Resources Civil Engineer Steve Segar presented the staff report. He explained this ordinance brings the City into compliance with the MPCA (Minnesota Pollution Control Agency) MS4 permit, City's municipal step rated stormwater sewer permit, it consolidates some other items, and updates outdated codes. He also described the other Water Resources related changes that are being made to Chapters 15, 19 and 21 of the City Code.

Winstead said the vast majority of these amendments are just a cleanup to bring the City into compliance.

Abrams requested clarification on the schedule of civil fines for minor, major and illicit discharge violations. She asked if the fines would be in addition to any restitution or rehabilitation required to resolve a minor or major violation. Segar stated rehabilitation of any damage is required so these civil fines would be in addition to that.

City Attorney Sandra Johnson stated these fines are consistent with the City's Civil Fines Schedule. They would be in addition to any remediation. She said it keeps these violations out of the criminal court system. When there are objections to the fines, an Administrative Law Judge (ALJ) is made available at Civic Plaza. She said people can call her office to conduct a pre-hearing session with one of her associate attorneys.

Motion was made by Busse, seconded by Abrams, and all voting aye, to adopt an ordinance amending and reorganizing Chapters 1, 11, 12, 15, 16, 19, and 21 of the City Code pertaining to the City's Storm Utility, Stormwater, and Water Resources Regulations and Codes. (O-2015-28)

Motion was made by Busse, seconded by Abrams, and all voting aye, to direct staff to publish in summary format, the above-described ordinance No. O-2015-28. (R-2015-123)

No public testimony was received.

## 8.2 Privately Initiated City Code Amendment HOM Furniture

**Requested Action:** Adopt an ordinance to amend City Code Section 19.03 to add a definition of "Retail, Large Item Sales" and Section 21.301.06 to add off-street parking standards for "Large Item Retail Sales," Case 10000H-15.

Planner Nick Johnson presented the staff report. He said HOM Furniture came to the City to request a privately initiated City Code amendment to create a separate off-street parking requirement for large good retail stores, specifically intended for furniture and appliance stores, as they generate much less parking than other retail. He explained currently, large item retail stores have the same parking requirements as any other retail use. He presented the following slides:

- **Considerations:** He described the parking demand data provided by the applicant and the parking study the applicant initiated with Alliant Engineering for uses such as appliance and large item retail. The study showed a demand of one car per 1700-2000 square feet of retail compared to one car per 1300 square feet of other retail space. Staff researched other Metro cities and 19 out of the 30 cities surveyed have a reduced parking schedule. Staff believes the request makes sense for larger item stores but doesn't for smaller item stores. As a result, staff and the applicant collaborated to create a tiered parking demand schedule to address staff's concerns over reuse of smaller structures, while allowing larger users to have a decreased parking requirement. Applicant's recommended definition for Large Item Retail Sales includes large items for later delivery, minimal incidental over-the-counter sales, excluding motor vehicle sales and pawn shops.
- **Applicant's Recommended Parking Schedule:** A tiered demand parking schedule. The City doesn't want to create a problem for the reuse of smaller retail stores. He reviewed the numbers. This use is probably at a demand of 1 parking space per 1,000 square feet of retail but it's tiered to make sure the reuse is still applicable and viable in Bloomington.
- **Considerations:** Bloomington's current parking requirements are not on the low or high side compared to other cities and it doesn't want to over or under park these types of facilities.
- **Recommendation:** Staff and the Planning Commission recommend approval as stated in the materials, as this is a common sense approach to parking.

Lowman asked for clarification that this situation would not apply to stores within a shopping center. Johnson said if a furniture store was a part of a broader parking shopping center, all of the other retail space would be subject to the same general retail requirement that exists today. It's just that specific use only. He said most retailers are eliminated from that reduced parking schedule via this newly created definition. It shouldn't cause any problems.

Winstead said there is other home furnishing stores in the community including IKEA and asked if this parking amendment would apply to them. Staff explained IKEA has a great number of over-the-counter sales so they wouldn't be subject to this kind of parking. They need to park a lot of cars.

Speaker #1: Ralph Kloiber, HOM Furniture Real Estate Director  
He thanked the City for working with HOM Furniture and especially Nick Johnson for his support. He said Johnson listened to the representatives from HOM throughout the process. Johnson even obtained independent traffic counts that were very helpful. Kloiber said everyone worked very hard on this application and they're appreciative of the City's efforts.

Motion was made by Lowman, seconded by Abrams, and all voting aye, to adopt an ordinance amending Section 19.03 to define "Retail, Large Item Sales" and amending Section 21.301.06(D) to add parking requirements for "Large Item Retail Sales," thereby amending Chapters 19 and 21 of the City Code. (O-2015-29)

No public testimony was received.

#### 8.2.1 Resolution Directing Summary Publication

Requested Action: Adopt a resolution directing summary publication of City Code Amendments to the Section 19.03 to define retail, large item sales, and 21.301.06(D)(1) to create off-street parking standards for large item retail sales.

Motion was made by Lowman, seconded by Abrams, and all voting aye, to adopt a resolution directing summary publication of Ordinance O-2015-29. (R-2015-124)

#### CLOSED PUBLIC COMMENT PERIOD

Mayor Winstead asked if anyone else wished to address the Council on any matters not on tonight's agenda. No one came forward to speak so the Public Comment Period was closed.

#### 8.3 Vacation Public Drainage and Utility Easements; 6117 W 105th St. and 10494 Colorado Rd.

Requested Action: Adopt an ordinance vacating public drainage and utility easements located at 6117 West 105th Street (Lot 8, Block 3, STRAND ESTATES 2ND ADDITION) and 10494 Colorado Road (Lot 10, Block 1, STRAND ESTATES 5TH ADDITION) for Robert and Shellie Athman.

Motion was made by Carlson, seconded by Abrams, and all voting aye, to adopt an ordinance vacating drainage and utility easements at 6117 West 105<sup>th</sup> Street and 10494 Colorado Road as described above and in the agenda item. (O-2015-30)

No public testimony was received.

#### 8.4 Privately Initiated Code Amendment Health Clubs to CU I-3 Zoning District

Requested Action: Adopt an ordinance to amend City Code Section 19.33 to make health clubs a conditional use in the I-3 General Industrial Zoning District. (Case 100001-15)

Planning Manager Glen Markegard explained this privately requested ordinance was initiated by Nelmec Limited Partnership (owner) and Eagle Ridge Partners (developers) to allow health clubs as a conditional use in the I-3 Zoning District. Vertical Endeavors would like to locate a health club with a focus on rock climbing at 9601 James Avenue South; the former Gen Pak plastics manufacturing plant.

Using an aerial photo, Markegard pointed out the two portions of the existing building to be removed for parking, the portion of the building that will house the health club, and the portion that will remain an office building. Currently, health clubs are not a permitted use in the I-3 Zoning District. As proposed, health clubs would be added as a conditional use but they would be limited to 50% of the total floor area on a given site and they would have to be adjacent to an arterial or collector street. In this case, the health club would be adjacent to James Avenue, a collector street. He said if this new conditional use is approved, it would apply to all areas zoned I-3. It is recommended for approval by staff and the Planning Commission. No summary publication is needed.

Winstead asked if this definition of health clubs is different from the other training facilities that have gone into other industrial style areas. Markegard replied staff looked to see if it could fall under the heading of Sports Training Facility. He said Vertical Endeavors clients will come in on their own to climb plus they will have access to the traditional type of health club equipment. He said staff recommended they apply for a Code amendment to add in a broader category.

Carlson asked why not just rezone the property to a more applicable zoning.

Markegard replied that conversation did take place but this location is in the middle of an industrial zoning district. He said in order to find a district that allows health clubs it would need to be in a commercial zoning district.

Busse asked for clarification on what parts of the building will be removed and what will remain. Using the aerial photo, Markegard again described what portions of the building will be removed and what will remain. He said the two-story office will remain, which covers the bulk of the floor area. He said the owner will have a lease with Vertical Endeavors and a separate lease on the office area. He said the health club will cover approximately one-third of the total floor area on site.

Oleson said a changing economy can have an impact on the need for these kinds of buildings by potential future users. He asked if the MPCA will be involved in handling the silos on the property. Markegard replied he thought the silos would be removed and will have to meet all building codes and State codes in doing so. He said staff was concerned with the erosion in an industrial base. He said this is one of the few uses that could successfully reuse this space. It's a good fit for this area. The City doesn't want all of its industrial areas to flip over to non-industrial uses.

Speaker #1: Eric Reiners, Sperides Reiners Architects

He reported the silos have already been removed along with the equipment and the Phase I and II reports have been completed as of 2014. They're getting ready to prepare the final design documents. He said this use is a great way to revitalize a pretty unusable structure. He believes absent a reuse like the one they're proposing, this structure would probably have been torn down. He said this site has been vacant for a long time. He said it's been good working with the City's Planning Division.

Baloga questioned how much parking will be required on the site and for the health club. Reiners said what's before the Council today is just the Code change. He said they have submitted a Conditional Use Permit (CUP) that needs to go through the approval process. Regarding parking, he said they'll be able to park 155 vehicles on site after the removals take place, which will be the City's ordinances for the health club and the office/warehouse component.

Baloga asked if this will be an office or office/warehouse use. Reiners replied it will be an office and a warehouse. There are two floors of potential office space on the site and high bay warehouse space.

Lowman asked how future expansion on this site will be handled if deemed necessary by the applicant.

Winstead said they could request an expansion on the site and the Council would need to determine if the parking works. If the parking works, they could expand. If they're consuming all of their parking at the time, he said they could be precluded from expanding.

Oleson supports this amendment and said it's nice that a developer came along with a good use for a building that's been vacant for a long time and was able to work with staff to a positive outcome for all.

Motion was made by Abrams, seconded by Lowman, and all voting aye, to adopt an ordinance amending Section 19.33 to allow health clubs as a conditional use in the I-3 General Industrial Zoning District. (O-2015-31)

**8.5 Ordinance Establishing Creative Placemaking Commission**

Requested Action: Adopt an ordinance amending Chapter 2 of the City Code to establish a Creative Placemaking Commission to be advisory to the City Council.

Community Development Director Larry Lee presented the staff report. He said this ordinance will allow for the creation of a Creative Placemaking Commission that will be established once a staff person is on board, which might not occur until January or February of 2016.

Motion was made by Abrams, seconded by Lowman, and all voting aye, to adopt an ordinance amending Chapter 2 of the City Code to establish a Creative Placemaking Commission to be advisory to the City Council. (O-2015-32)

No public testimony was received.

**8.5.1 Resolution Directing Summary Publication**

Requested Action: Adopt a resolution directing summary publication of an ordinance establishing a Creative Placemaking Commission.

Motion was made by Abrams, seconded by Baloga, and all voting aye, to adopt a resolution authorizing summary publication of Ordinance No. 2015-32). (R-2015-125)

**9 OTHER: PUBLIC HEARINGS**

None.

**10 ORGANIZATIONAL BUSINESS**

**10.1 City Council Policy & Issue Update**

City Manager Verbrugge had no policy or issue update to report.

Lowman reported some residents on 104<sup>th</sup> Street had questions concerning the calculation methodology used for the Pavement Management Program (PMP) but they won't be available to attend the upcoming public hearing.



Verbrugge explained the situation involve the Meyers who reside at 104<sup>th</sup> & Ewing. Their street is being proposed for a complete reconstruction in 2016. He said the Meyers have a unique situation due to the significant amount of front footage they have. He said there is a calculation for lots in that situation that adjusts the front footage so that the assessment cost doesn't become burdensome. He said the Meyers have spoken with staff. They have two issues -- the calculation of the front footage and an opinion that the road doesn't need reconstructing. Staff confirmed the road has a very low Pavement Condition Index (PCI) rating and does need to be reconstructed. He provided information to Lowman on the calculation of the Meyers' lot and on a nearby property cited by the Meyers. He said staff would be happy to meet with the Meyers in advance of the Council meeting on November 16 or they could submit their comments in writing. He said he'll follow up with staff to see if there was an opportunity for staff to talk to them earlier today at the PMP open house. He said their comments will be recorded into the record regardless of whether they are at the meeting on November 16<sup>th</sup>.

Winstead said there is a distinct difference between the Meyers' lot and the neighbor's lot, which is a corner lot.

Verbrugge stated on a corner lot, the calculation starts with the shortest side.

Carlson asked when the Creative Placemaking appointments would be made. Verbrugge said staff will begin the recruitment of a Creative Placemaking Director position in mid to late November, which will be supervised by the Assistant City Manager; a position that is currently in mid process. He is hopeful the new Director will be on board by the end of January. As a result, the new commission appointments will likely take place mid-spring.

Oleson commented the sewer project along 90<sup>th</sup> Street has been going on for a long time but people have been patient. He said more cross streets are to be opened along 90<sup>th</sup> Street, which will help the situation.

## 10.2 Hennepin County District Court Letter of Intent

Requested Action: Approve the Letter of Intent with Hennepin County District Court.

Housing and Redevelopment Authority (HRA) Administrator Doug Grout presented this staff report. He presented the following slides:

- Overview: Two-story addition onto the west side of Civic Plaza with two courtrooms replacing the Edina Southdale court facility. There will be no direct entrance from Civic Plaza into the Courts facility.
- Letter of Intent (LOI): Outlines the basic tenants of the deal between both entities (Hennepin County and the City of Bloomington). A development agreement and a lease would follow in 2016 with construction anticipated to occur in 2016-2017 for a 2018 completion date. The LOI covers the term of the agreement, operating expenses, and signage. Term of lease is 30 years with four 5-year renewal options. City will own the building but Hennepin County will pay the City a proportionate share of the operating and maintenance costs on a per square foot basis. No direct entrance into the Courts facility from Civic Plaza.
- LOI Changes: A parking management plan/parking study was added.
- 1<sup>st</sup> and 2<sup>nd</sup> Floor Plans

- Parking: Estimates 138 spaces are needed when both courts are in session. There should be adequate parking for current City uses and the court facility except during 10-15 special event days.
- Parking Options: Manage overflow parking at other ancillary parking sites, construct a two-story parking ramp if needed, or limit the Court Annex, which is subject to the County and State Court concurrence.
- Next Steps: Approve the LOI and negotiate the development agreement between the City and the County and the lease agreement.
- Thank You to Hennepin County staff: Kay Foggarty, Hennepin Court Administrator, Mark Thompson, Assistant Hennepin County Administrator for Public Safety, Michael Noonan, Land Management Administrator and Brett Bauer, Hennepin County Facilities Services Manager.

Council comments/inquiries:

Winstead asked if this addition precludes the City from expanding in the future. Verbrugge said the addition doesn't preclude the City from expanding at another location around the Civic Plaza campus. He said this building is appropriately sized for the projected growth over the next 25-30 years. With regard to the Motor Vehicle operation, it can't be moved into this building because it must be separate from the passport operations. He said the City could look at a retail situation for Motor Vehicle at some point in the future. Regarding Public Health, he said they are currently in the best location for their customers. Staff is comfortable with the options that are available to the City and this addition doesn't preclude those from happening.

Winstead said this is a 30-year lease with options and it's hard to look that far into the future. He said it will be a fork in the road decision for the City at that time. Verbrugge said the LOI provides broad parameters for an agreement and the County is aware of the City's interest in having a mutual notification specific to the potential expansion needs.

Oleson asked about the advantages for the City if the courts are located here. Verbrugge said the most recognizable benefit is the time and travel it will save City prosecutors and police officers. If the court isn't located here, it will be located in downtown Minneapolis, which becomes more difficult for everyone. There would be a significant increase in cost regarding the way the Sheriff intakes people into the system and charges out booking fees. It would increase the City's expenses; not just its time. This is the preferred option from a cost and an efficiency process and it would provide access to justice for Bloomington residents; including victims.

Winstead said Bloomington is the heaviest user of the Edina courthouse.

Oleson asked about the level of charges to be handled in this court.

Johnson explained it will be a non-felony, all adult prosecution. Most felony cases in Bloomington involve retail theft. She reported there were just under 500 DWI cases, 200 assault cases, and a garden variety of disorderly conduct, and traffic offenders. She said retail shoplifting cases involve witnesses. She said getting downtown is one thing but parking is another. It's expensive to park downtown and delays result when people are trying to find parking. She said having the courts added onto Civic Plaza wouldn't present a public danger, as no one would be able to access the courtroom facility with a weapon. She said the courts currently share a building with a public library in Edina and there have been no security issues.

Fogarty said the primary cases handled in this court would be traffic related, domestics, DWIs and low level misdemeanors, disorderly conducts, etc. The primary visitors to this court facility would be for traffic related offenses

Carlson expressed concern that a shared facility with Hennepin County will diminish the Bloomington brand. He questioned how the courts facility fits in with the established character of Civic Plaza. He said it was never the intent to expand the Civic Plaza building for this purpose. He mentioned the uncertainties that remain regarding the parking. He said it sounds like Bloomington residents will be responsible for some of the additional parking costs. He desires to see more in the LOI regarding the County's obligation to the City in providing either structured parking or off-site parking. He understands the benefits and the need for having the courts located in this building but wants to preserve what the City has. He believes the County finding another location for the courts in Bloomington is still a viable option.

Grout said the parking study showed Civic Plaza should be able to adequately park the court facility except for 10-15 special event days. He said a clause was built in that the parking situation should be revisited again in twelve months to see how it's working.

While Grout explained the parking study shows Civic Plaza can adequately park both uses except for 10-15 days per year, Baloga said he's been to Civic Plaza several times during the last few weeks and has observed there to be less than 138 available parking spaces. He asked how the City will accommodate this need for extra parking. Grout said the City is contemplating moving the City vehicles across Logan to the impound lot, as it would free up another 50-60 spaces in the main lot to be used by the general public and the users of the court facility.

Verbrugge said the east lot is typically underutilized during the day.

Baloga said a request was made at the October 12<sup>th</sup> study meeting looking out 50 years regarding public health to see how this facility works without adding on the public courts. He said if any other industrial user came to the City requesting approval of a plan, the City would request similar information. He hasn't yet seen the results of that request. He desires firm numbers to assure this is the right time to approve a LOI. He feels an obligation to the citizens of Bloomington and said he can't support this at this time. He asked if there were any other sites within Bloomington that would meet the County's needs. He's uncomfortable pressing forward on this issue tonight.

Speaker #1: Michael Noonan, Land Management Administrator  
He said the question about another location in Bloomington was asked at the study session. He said at this point in time, the County's desire is to collocate with the City of Bloomington, further that partnership, and explore the opportunity on the Civic Plaza campus. He said it's not the County's desire to explore other sites in Bloomington or in any other cities in this judicial district and would consider moving the court functions downtown if the Civic Plaza site doesn't work out. He said it's as much financial as it is the convenience and efficiency benefit it would provide to the users of the Southdale facility.

Winstead asked the County if it had any concerns regarding future expansion of the courts should this addition be built.

Noonan said there should be adequate space for the courts into the future between the Civic Plaza site, the court facilities in the dales, and in downtown Minneapolis by doing some system adjustments.

Lowman asked if there would be public transportation to Civic Plaza as there is at the Southdale facility. Grout replied yes and that staff has talked to Met Transit about getting a bus stop relocated.

Busse asked if this is the first time this proposal has been presented in a public process.

Noonan said this was discussed by the Hennepin County Board several months ago during a work session at the Southdale Library to which Hennepin County residents were invited. He said it wasn't well attended by the public but it was by representatives from the cities, the Metropolitan Airports Commission (MAC), and by some of the judges.

Lowman asked if there is a pressing need to approve the LOI tonight or could it be delayed for two months. Grout restated the LOI is a nonbinding agreement. Once the LOI is approved by the Council, both parties can start working together on the other agreements. He said the sooner that is done, the sooner a more formal agreement can be executed.

Winstead said he could support this LOI with two caveats. After the 30-year term, the City can decide not to move forward with the lease if it needs the additional space. He said the parking element is fairly loose. He wants the language to be clear that if more parking is deemed necessary and a parking structure needs to be built, the County will pay for most of it. He'd like those two elements clarified in order for this to move forward.

Abrams said she likes the Mayor's comments regarding the parking. She said as the City tries to negotiate an agreement without an expensive tiered parking structure, it needs to figure out how to put more of the City's employees' cars at another City-owned property that is contiguous with this campus. She said this should come at some sense of partnership with the County. She said the City won't be capturing any excess revenue with the proposed lease agreement so it's a sharing of the tax dollar. She said there needs to be an understanding of the give and take on both sides and when the City, as the property owner, can no longer give. She said the parking concerns her but not to the point that it outweighs the benefits to City employees. She hopes the Hennepin County commissioners will be receptive to any future concerns Bloomington might have regarding the parking. She supports approving the LOI tonight.

Winstead commented Bloomington makes up 9% of the County's population.

Busse asked whether it's through the LOI or the development agreement, will there be an opportunity for a public hearing on this. He said the City owes it to the citizens of Bloomington to have an opportunity to weigh in on this.

Winstead said the LOI lets the parties get started on the process, which will include an open house/informational meeting for the community.

Noonan said the LOI talks about the obligation of Hennepin County to bring forth the necessary applications for City approval. He said planning applications and a detailed lease will be forthcoming at which time there will be an opportunity for the public to speak on this matter before the Council takes action on the lease. He said it's clear the City's parking study showed a need for a total of 138 parking spaces throughout the day; not all at one time.

Winstead said if there's a parking issue down the road, it will be due to the addition of the courts facility and the County should contribute to fixing it.

Carlson asked where the anticipated public hearing would take place.

Noonan replied more detailed discussions will take place between the approval of the lease and construction of the facility.

Winstead said he doesn't know if there would be a formal hearing on the use but there would be public input at an open house.

Baloga asked what would happen if the Council doesn't approve the LOI today. Would it preclude work on the development agreement?

Noonan said the LOI is like an engagement period for both parties before the development agreement and lease are signed in ink.

Winstead said this courtship with the County has been going on for 6-8 years. There was even conversation when Civic Plaza was being developed about what else could be added onto this building including the courts and that's why the shell space next to Legal was built into this structure. He said that was specifically discussed and considered. He commented the courts were located in the old city hall at one time.

Baloga said the cost sharing of a parking deck should be included in the LOI. If there is a need for structured parking, he asked where it would go and what it would look like. How would it look with this building? He is uncomfortable with this given the City's future needs for Public Health, etc. He said the City needs to find adequate housing for Public Health and that hasn't been adequately addressed.

Oleson said given there are significant benefits to the City and its residents, that the LOI is a non-binding document at this point, and there is Council conversation that will be on the record to help guide this process, he supports the LOI. He said good information will be needed to head off rumors. He believes there will be ample opportunity for public input regarding this proposal before the City is asked to commit.

Motion was made by Oleson, seconded by Lowman, to approve the Letter of Intent with Hennepin County District Court as presented. No vote was taken at this time.

Lowman said he's a strong supporter of this but believes it will be important to receive public input prior to approval of the development agreement. He asked the maker of the motion if he'd be open to adding a caveat regarding the parking structure as mentioned by the Mayor.

Oleson said he would be hesitant to add in one item at this time, as there has been conversation by both parties that will help guide the negotiations.

Abrams requested the Council receive, before the development agreement is approved, the minutes and ideas that were entertained back when Civic Plaza was designed and built, as the Council needs to understand the previous Council's original vision for this building. She's curious what others were thinking back then with regard to future expansion, as Public Health was not and is not housed in Civic Plaza.

Carlson inquired as to why more public input hasn't been received on this. He said cost is the reason why Civic Plaza was chosen as the location, but his concern is the parking. He's not in support of the LOI at this time.

Winstead said he can support the LOI with two caveats. He'd like to see both parties have a renewal opportunity. With regard to parking and cost sharing obligations, he'd like the LOI to be clear that the burden of the cost should be borne by Hennepin County should structured parking need to be constructed. He'd like a LOI to include those two provisions, which would require an amendment to Oleson's motion.

Verbrugge said the City's communications staff will be reaching out to the County's staff to ensure there is consistent messaging between the two bodies. He said any amendment to the LOI would probably have to go back to the County Board. He said Council's concerns have been made clear to Hennepin County. He said the Council will have to approve the development agreement and the lease again. If that provides enough comfort for the Council, he recommends Council move forward on the LOI.

Winstead asked the County if his caveats would be a deal killer for the County or would they work their way through the system.

Mark Thompson, Assistant County Administrator for Public Safety said they've been discussing this for over a year and parking has always been an issue of discussion. He said the \$3.5 million parking deck the County built at Ridgedale is vacant every day. He said most of the court traffic at this facility will be Bloomington residents, witnesses and victims and that is why the judiciary begrudgingly agreed to move the courts to Bloomington. Their second plan is to go downtown. With regard to a parking agreement, Thompson said the County would participate in one but to what degree is unknown at this point, as there are so many vacant parking spaces at the Ridgedale court ramp which was built using essentially the same parking study logistics.

Winstead said the parking will be based on experience and if it's determined structured parking is the way to go, it will be the County's issue.

Thompson said if the parking study shows the additional traffic was caused solely by the courts, the County must and would participate in the parking.

Winstead said it will be the parking experience, not a study, which determines if more parking is needed.

Thompson said technology is taking over lots of face-to-face interaction and the low level offenders and cases will be virtual.

Winstead again asked the County if the parking issue would be a deal killer or a deal review.

Thompson said the County will clarify that responsibility in the lease.

Winstead said if it's not written that way in the lease, he won't be able to support it going forward. He said it's currently a one-way lease renewal so he'd like the City to have the option of renewing or not renewing it 30 years down the road.

Noonan said the County will modify that language in the lease to make it mutually beneficial to both parties.

Baloga asked if the County Board of Commissioners needs to reconsider the LOI now there are contemplated modifications to the concept of it.

Thompson replied he would recommend they review it as a communication.

Carlson asked about the resolution the County adopted and about the signage for the new addition.

Thompson replied the Fourth Judicial District state court system will want to have their own signage but it will work with Bloomington's.

Winstead said the next steps will take a great degree of scrutiny.

Oleson said he chooses not to modify his motion because he believes this discussion has been very good and the County will respond as they've indicated.

Lowman said it makes sense to go forward with what is here, as it would be a big detriment to moving the courts downtown. He believes this first step is necessary to get the discussions going.

Winstead called for a vote on the motion to have the City Manager sign off on the Letter of Intent as it's been presented. It passed 5-2 (Baloga and Carlson opposing).

**11      ADJOURN**

Mayor Winstead adjourned the meeting at 9:09 p.m.

Barbara Clawson  
*Council Secretary*